

*\*E-FILED - 12/23/09\**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

Mohan Gil, et al, on behalf of others similarly situated, and on behalf of the general public,

Case No. C 07-06414 RMW (HRL)

## Plaintiffs,

V.

Solectron Corporation, et al,

### Defendants.

[ ] ORDER GRANTING  
PRELIMINARY APPROVAL TO THE  
STIPULATION OF SETTLEMENT AND  
RELEASE

This matter comes before the Court on the Parties' Joint Motion for Preliminary Approval of the Stipulation of Settlement and Release (the "Stipulation of Settlement"). Having reviewed the proposed Stipulation of Settlement, and the parties' arguments regarding the same, the Court hereby GRANTS the parties' request for Preliminary Approval of the Stipulation of Settlement. The Court further GRANTS the parties' request for certification of the following Rule 23 Settlement Class for the sole and limited purpose of implementing the terms of the Stipulation of Settlement, subject to this Court's final approval:

All persons who were or are employed by Solelectron Corporation or Flextronics International USA, Inc., whether directly or through the temporary agency Aerotek, Inc., as non-exempt employees in assembly, refurbishing, testing, technician, or repair positions in the state of California from December 19, 2003,

## ORDER

1 or in the state of Kentucky from December 19, 2002, through December 18, 2009,  
 2 and who were required to wear Electro-Static Discharge equipment.

3 The Court appoints Plaintiffs' Counsel as Class Counsel. The Court further APPROVES the  
 4 form and content of the Rule 23 Notice of Settlement and Claim Form, with the revisions  
 5 discussed at the hearing on this motion, and directs Class Counsel to distribute the notice to the  
 6 putative class.

7 The Court further APPROVES the form and content of the proposed Notice of Settlement  
 8 to FLSA Plaintiffs, with the revisions discussed at the hearing on this motion, as well as the form  
 9 and content of the proposed Settlement Offer and Release. The parties are authorized to make  
 10 non-substantive changes to the Rule 23 Notice of Settlement and Claim Form, and the Notice of  
 11 Settlement to FLSA Plaintiffs and the Settlement Offer and Release that are consistent with the  
 12 terms of the Stipulation of Settlement and this Order.

13 The Court further ORDERS the following timeline for administration of the settlement  
 14 agreement:

- 15     1. **Parties Provide Settlement Administrator With Information For Notice**  
        **Distribution** – within fifteen (15) days of Preliminary Approval of the Settlement.
- 16     2. **Rule 23 Notice of Settlement of Class Action and Rule 23 Claim Form for**  
        **Rule 23 Class Members (Exhibits B and C), and FLSA Notice of Settlement**  
        **and FLSA Release to FLSA Opt-Ins (Exhibits D and E)** – sent to Settlement  
        Class by Settlement Administrator as soon as possible after receipt of information  
        for Notice Distribution.
- 17     3. **Rule 23 Class Members and Opt-In Plaintiffs Respond to Notice ("Notice**  
        **Period")** – Within sixty (60) days of mailing.
- 18     4. **Settlement Administrator Provides Rule 23 Claim Forms and FLSA Releases**  
        **to Class Counsel and Counsel for Defendants** – Within ten (10) days of  
        conclusion of the Notice Period.

- 1       5. **Deadline for Defendants' Disputes** – Within fifteen (15) days of Defendants'  
2                   receipt of all Rule 23 Claim Forms and FLSA Releases from the Settlement  
3                   Administrator.  
4       6. **Deadline for Defendants to Declare Settlement Null and Void** – Within (15)  
5                   days of Defendants' receipt in writing ~~of total number of being advised in writing~~  
6                   (rmw) ~~by the Settlement Administrator~~ of the total number of Opt-In Plaintiffs who  
7                   elected to withdraw from the action or otherwise reject their Individual Settlement  
8                   Offers and the total number of Rule 23 Class Members who opted-out of the Rule  
9                   23 Settlement Class  
10      7. **Joint Motion For Final Approval Filed** – within five (5) days of the deadline for  
11                  Defendants' disputes.  
12      8. **End of Tolling Period for Rejecters** – Thirty (30) days after final approval of the  
13                  settlement.  
14      9. **Defendants Transfer Settlement Funds** – Within ten (10) business days of the  
15                  Settlement Effective Date.  
16     10. **Distribution of the Settlement Funds**. Checks to Settlement Class distributed by  
17                  Settlement Administrator within 30 days of the Settlement Effective Date.  
18     11. **Funds from Un-cashed Checks Revert to Contingency/Cy Pres Fund** – Ninety  
19                  (90) days after Distribution of the Settlement Funds.  
20     12. **Contingency/Cy Pres Funds Donated to 501(c)(3) Charity** – Thirty (30) days  
21                  after the deadline for Settlement Class Members to negotiate Settlement Checks.

23                  Counsel shall return before this Court for a final fairness hearing on June 4, 2010 at 9:00 a.m.

24                  Dated: 12/23/09



25                  Hon. Ronald M. Whyte  
26                  United States District Court Judge